HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19515 of 2006

Dated:20.09.2006

Between:

M/s.M.D.Industries and another.

…Petitioner

and

The A.P.Central Power Distribution Company Limited, and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19515 of 2006

ORDER:

The two petitioners filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondents in threatening to disconnect the power supply of the petitioners' Water Purifying Plants as illegal and arbitrary.

The second respondent herein issued letter to the petitioners herein separately on 07.07.2006 and 22.07.2006 respectively requesting to show cause as to why the power supply should not be disconnected to their Units within forty five days, as the Units did not possess the Bureau of Indian Standards (BIS) certification. The petitioners statedly made representation, *inter alia,* informing the second respondent that they have already approached the Director, BIS, Hyderabad, duly applying with all the requirements seeking BIS certification. They also requested the respondents not to disconnect power supply pending consideration of their applications by the Director of BIS, Hyderabad. The petitioners allege that in spite of the same, the respondents are threatening to disconnect the power supply.

This Court has heard the learned Counsel for the petitioners and the learned Standing Counsel for A.P.Transco. At the stage of admission itself, the learned Standing Counsel has obtained

instructions. He submits that pursuant to the order of the General Manager, District Industries Centre (DIC), requesting to disconnect power supply to Water Units without BIS certification, the impugned orders were passed. It is also brought to the notice of this Court that the Commissioner of Industries issued memo dated 06.11.2002 directing General Managers of DICs to issue Small Scale Industry registration certificates with conditional endorsement stating that the Mineral Water Units should compulsorily get BIS certification, pursuant to which the General Manager, DIC, Kurnool, issued communication to the respondents.

In view of the above, no relief can be granted in this Writ Petition. Liberty is given to the petitioners to approach the respondents after obtaining BIS certificate for the Units engaged in manufacturing of purifying water.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

20.09.2006
vs